



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION No.12403 of 2021

IN CRL.A.No.601 of 2021

P. JAYARAMAN

[PETITIONER / APPELLANT]

Vs

THE INSPECTOR OF POLICE,
(CRIME BRANCH),
CBCID,
NAGAPATTINAM DISTRICT.
CRIME NO.2 OF 2015.

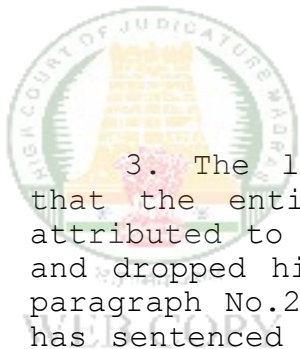
[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the execution of the sentence against the petitioner / accused by the S.C.No.126 of 2016 on the file of Learned Session Judge Fast Track Mahila Court, Nagapattinam District dated 23.07.2021 and enlarge the petitioner on bail, pending disposal of this appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. P.MUTHAMIZH SELVAKUMAR, Advocate for the Petitioner and of MR.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition is filed by the petitioner/accused, seeking suspension of sentence imposed on him by the learned Sessions Judge, Fast Track Mahila Court, Nagapattinam District, vide the order dated 23.07.2021 in S.C.No.126 of 2016 and to exempt the petitioner from surrendering before the trial court.

2. The present revision petitioner/appellant is arrayed as A2 in S.C.No.126 of 2016 on the file of the Sessions Judge, Fast Track Mahila Court, Nagapattinam District. The matter pertains to custodial death of a certain Suresh.



3. The learned counsel for the petitioner/appellant submitted that the entire overt act is only against A1 and the overt act attributed to A2 is that he had picked up Suresh from a petrol bunk and dropped him at the police station. He also took the Court to paragraph No.23 of the order of the Sessions Court. The trial Court has sentenced both the accused to 10 years rigorous imprisonment and a fine of Rs. 5,000/- for offence under Section 304 Part I r/w. 34 IPC., The learned counsel also added that A1 has filed a separate appeal in CrI.A.No.539 of 2021, wherein he was granted bail in CrI.MP.No.11585 of 2021 on 03.02.2022.

4. This Court heard the learned counsel for the petitioner and also perused the materials placed on record.

5. According to the learned counsel for the petitioner/accused, there are arguable points available in the criminal appeal, and the petitioner/accused has got a fair chance of succeeding in the appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended and and the petitioner may be exempted from surrendering before the trial Court.

6. Taking into consideration, the materials available on record, this Court is of the opinion that the petitioner had made out the case for grant of bail. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence and bail are granted, on the following conditions:-

(a) Accordingly, the petitioner/appellant is ordered to be released on bail on condition to execute his own bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the Superintendent of the concerned prison/Jailor concerned, in which the appellant has been confined and thereafter, on his release, the petitioner/Appellant shall execute two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Nagapattinam, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically and on further conditions that:

(b) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) The petitioner/appellant shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 am., until further orders.



8. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-
15/02/2022

WEB COPY

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE
FAST TRACK MAHILA COURT, NAGAPATTINAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM

3 THE INSPECTOR OF POLICE,
(CRIME BRANCH), CBCID,
NAGAPATTINAM DISTRICT.

4 THE SUPERINTENDENT OF PRISON
CENTRAL PRISON, CUDDALORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges SR.NO.2381

Order
in
CRL MP.12403/2021
in
CRL A.601/2021

Date :15/02/2022

From 7.2.2001 the Registry is issuing certified
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JPA 25/02/2022